

# HOUSE BILL No. 1255

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 23-1-55; IC 24-4-14.

**Synopsis:** Intent to sell sexually explicit products. Requires a person to register and file a statement with the secretary of state that the person intends to sell sexually explicit materials, products, or services. Provides that a violation is a Class B misdemeanor.

**Effective:** July 1, 2006.

**Goodin**

January 10, 2006, read first time and referred to Committee on Commerce, Economic Development and Small Business.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL No. 1255

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 23-1-55 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2006]:

4 **Chapter 55. Intention to Sell Sexually Explicit Materials,**  
5 **Products, or Services**

6 **Sec. 1. A person, a firm, a corporation, an association, a**  
7 **partnership, a limited liability corporation, or other entity that**  
8 **intends to sell sexually explicit materials, products, or services (as**  
9 **defined in IC 24-4-14-1(b)) shall register with the secretary of state**  
10 **of the intent to sell sexually explicit materials, products, or services**  
11 **and provide a statement detailing the types of materials, products,**  
12 **or services that are intended to be sold.**

13 SECTION 2. IC 24-4-14 IS ADDED TO THE INDIANA CODE AS  
14 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2006]:

16 **Chapter 14. Sexually Explicit Materials and Services**

17 **Sec. 1. As used in this chapter:**

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(1) "person" means a person, a firm, a corporation, an association, a partnership, a limited liability corporation, or another entity;

(2) "sexually explicit materials, products, and services" means:

(A) materials, products, or services that the average person, applying contemporary community standards, finds that:

(i) the dominant theme of the materials, products, or services, taken as a whole, appeals to the prurient interest in sex; or

(ii) the materials, products, or services depict or describe, in a patently offensive way, sexual conduct; or

(B) products designed for use or marketed primarily for:

(i) the stimulation of human genital organs; or

(ii) sadomasochistic use or abuse of the person or by operating the product on others.

This subsection does not apply to birth control or contraceptive devices.

Sec. 2. A person or a person's employee or agent may not sell sexually explicit materials, products, or services unless a registration and statement are properly filed as described in IC 23-1-55-1.

Sec. 3. A person or an employee or agent of a person who recklessly violates this chapter commits a Class B misdemeanor.

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